



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

December 4, 2007

Andrew Bodewin
Hawarden Development Corporation
679 Pinnacle Ridge Road
Riverside, CA 92506

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR TRACT MAP 32270, CITY OF RIVERSIDE, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE)

Dear Mr. Bodewin:

On June 22, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Michael Brandman Associates, for residential Tract Map 32270 (TM 32270, a.k.a. Hawarden Vista) in the City of Riverside. On October 15, 2007, we received amended site plans and supporting documentation for structural treatment controls to remove pollutants from storm water discharges from the project and to address hydraulic conditions of concern surrounding the proximate receiving water, Alessandro Arroyo. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description:

Site grading and construction of infrastructure for 15 single-family custom home sites on 35.2 acres. Construction will involve the fill of the lower reach of a riparian ephemeral drainage that was historically connected to the Alessandro Arroyo. The project will involve the construction of a segment of Overlook Parkway from Via Vista Drive through the project site. An offer of dedication for the future construction of the Overlook Parkway crossing Alessandro Arroyo is included. The crossing will be constructed by the City of Riverside or others at a later time. Individual homes will be constructed by the future owners of the lots. The project is located east of Via Vista Drive at Crystal Ride Court within Section 7 of Township 3 South, Range 5 West, of the U.S. Geological Survey *Riverside East, California*, 7.5-minute topographic quadrangle map (33 deg. 55 min. 18 sec. N/ -117 deg. 20 min. 45 sec. W).

California Environmental Protection Agency



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Receiving water: An un-named ephemeral riparian drainage tributary to Alessandro Arroyo.

Fill area: 0.03 acres of permanent impact to a riparian ephemeral drainage (467 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:
Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from Lots 1-9 will be treated in a vegetated swale located in Open Space Lot 16 adjacent to the Alessandro Arroyo, to be operated and maintained by a homeowner's association.
- All lots will have covenants placed on them for the construction of infiltration facilities to address hydraulic conditions of concern according to the Riverside County Water Quality Management Plan (WQMP). The infiltration facilities on Lots 10-15 will also treat nuisance flow and 'first-flush' discharges from those properties.
- Additional site-specific best management practices (BMPs) are specified in the site's Storm Water Pollution Prevention Plan (SWPPP).
- The upper reach of the un-named ephemeral, riparian drainage will be placed in an open space conservation easement.

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Santa Ana Watershed Association towards the eradication of 0.1 acre of invasive plant species. The fee payment is expected to be included as part of a larger fee payment for 0.63 acre requested by the Department of Fish and Game.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP), to control the discharge of pollutants from the project site.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the City of Riverside adopted a Mitigated Negative Declaration for TM 32270 on February 1, 2005. The Executive Officer has considered the City's Mitigated Negative Declaration in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all storm water treatment facilities as proposed. All structural storm water treatment facilities must be constructed and operational prior to the occupancy of any on-site residential home.
2. Vehicular access must be provided to the vegetated swale for maintenance purposes. The access road must consist of durable materials, capable of withstanding erosion and degradation over the long-term, and be secured with a lockable gate to prevent unauthorized access from Via Vista Drive.
3. All structural treatment controls located on individual lots, to address pollutants and/or hydraulic conditions of concern, must be required for the development of each individual lot as part of covenants, conditions, and restrictions, or through another effective and binding legal instrument.
4. Hawarden Development Corporation, its successors or assigns, must operate and maintain the vegetated swale until such time that the City of Riverside or the homeowner's association accepts this responsibility.
5. Hawarden Development Corporation must pay an in-lieu fee to the Santa Ana Watershed Association towards the eradication of a minimum of 0.1 acre of invasive plant species in the City of Riverside or its Sphere of Influence. The fee payment must include a minimum of 6-years of follow-on maintenance. Evidence of the payment must be provided to the Executive Officer by March 4, 2008.
6. Regional Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
7. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP.
8. Hawarden Development Corporation must provide geographic information system shape files in a portable digital format to Regional Board staff not later than February 4, 2008. The shape files must include the project boundaries, polygons for the structural

storm water treatment facilities, and the mitigation site boundaries. The shape file attributes shall include the Regional Board File Number (332007-25), the project name, and the discharger name. For information regarding the required projection and other technical data specifications, please contact Cindy Li at (951) 782-4906.

9. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden,



including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Mark Durham
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith